

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **ARANYI, et al.**

Examiner: **Erich LESSER**

Application No.: **10/518,114**

Art Unit: **1624**

Filed: **March 21, 2005**

Conf. No.: **3219**

Title: **COMPOUNDS**

Request for Reconsideration of the Patent Term Adjustment
Under § 37 C.F.R. § 1.705(d)

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicants request reconsideration of the patent term adjustment indicated in the Issue Notification mailed on August 4, 2010 in the above identified application.

As set forth in 37 CFR 1.705(b)(2), please find enclosed a Statement of the Facts involved which forms as a basis under 37 CFR 1.702 for requesting this patent term adjustment.

Please further be advised that any patent granted based on the above identified application is not subject to a terminal disclaimer.

The patent term adjustment shown on the Issue Notification is 1173 days. It is respectfully suggested that the correct patent term adjustment under §1.702 is 1075 days as further detailed below in the Statement of Facts.

Statement of the Facts for Correct Patent Term Adjustment

This statement is being submitted in support of the Request for Reconsideration of the Patent Term Adjustment to which this statement is attached.

The basis on which applicant seeks adjustment is as follows:

1. The application fulfilled the filing requirements of 35 U.S.C. §371 on March 21, 2005.
2. The application granted on August 24, 2010.
3. A Request for Continued Examination was filed on January 22, 2010.
4. Upon review of PAIR, Applicants determined that the USPTO did not correctly calculate the number of days beginning on the day after the date that is three years after the date on which the application fulfilled the filing requirements under 35 U.S.

C. §371 (March 22, 2008) and ending on the day before the date the Request for Continued Examination was filed (January 21, 2010).

5. Applicants believe that the USPTO delayed 671 days in issuing the patent within three years of the actual filing date of the application.
6. Applicants agree that the USPTO delayed 495 days in issuing September 28, 2007 restriction requirement.
7. Applicants agree that the USPTO delayed 334 days in issuing the January 28, 2009 non-final Office Action.
8. Applicants agree with the USPTO's calculation of 91 days of delay by applicant in responding to the January 28, 2009 non-final OA.
9. Applicants conclude that they are entitled to an Adjustment of Patent Term under 35 USC 154(b) of 1075 days (829 days of A delay plus 671 days of B delay minus 334 days of A/B overlap minus 91 days of applicant delay).

The Commissioner is authorized to charge the \$200.00 fee set forth in §1.18(e) required by 37 C.F.R. §1.705(b)(1) to Deposit Account No. 18-1982. The Commissioner is also authorized to charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

10/15/2010
Date

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Docket No. SSL0102 US PCT